

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THELMA J. SMITH,
Plaintiff,

vs.

FIDELITY MORTGAGE,
INC., et al.,
Defendants.

Case No. 1:19-cv-1053
Dlott, J.
Litkovitz, M.J.

ORDER

Defendant Fidelity Mortgage, Inc. (Fidelity) filed a motion to dismiss with prejudice for failure to prosecute on October 14, 2020. (Doc. 21). As part of its motion, Fidelity sought an award of costs and fees associated with plaintiff's failure to comply with her discovery obligations. After plaintiff failed to timely respond to the motion, the Court issued an order to show cause why the case should not be dismissed for lack of prosecution. (Doc. 22). Following an extension (Doc. 24), plaintiff filed a response to the show cause order. (Doc. 25). Upon the undersigned's Report and Recommendation (Doc. 26), Judge Dlott denied Fidelity's motion to dismiss but awarded attorney fees against plaintiff's counsel for the time and expenses associated with Fidelity's motion. (Doc. 27).

Fidelity has submitted a petition for such fees, which is supported by its counsel's declaration and corresponding itemization. (Docs. 28, 28-1). Plaintiff did not object or otherwise respond to the petition. The Court has reviewed the petition and hereby **AWARDS** Fidelity attorney fees in the amount of \$5,603.50 against plaintiff's counsel.

IT IS SO ORDERED.

Date: 3/12/2021


Karen L. Litkovitz
United States Magistrate Judge